REMARKS

Claims 1-18 and 24-28, as amended, are pending in this application. In this Response, Applicant has amended certain claims. In light of the Office Action, Applicant believes these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicant respectfully submits that the claim amendments do not limit the range of any permissible equivalents.

In particular, independent claim 1 has been rewritten to further clarify the embodiments of the present invention recited therein. As no new matter has been added, Applicant respectfully requests entry of these amendments at this time.

THE REJECTION UNDER 35 U.S.C. § 103

Claims 1-18 and 24-28 were rejected under § 103(a) as obvious over U.S. Patent No. 5,432,054 to Chang *et al.* ("Chang") and U.S. Patent No. 5,372,365 to McTeigue *et al.* ("McTeigue") and further in view of U.S. Patent No. 6,983,637 to Nesbit *et al.* ("Nesbit") for the reasons set forth on pages 2-6 of the Office Action. None of the cited references even suggest the present invention.

Chang generally discloses a conventional imaging system, *i.e.*, an imaging system with that has an optical trigger. Col. 7, lines 15-18 and 22-26. As discussed in the background section of the instant application, optical triggers are have several deficiencies, including interference from sunlight, which may cause incorrect dwell time. Page 1, line 29 to Page 2, line 2. These deficiencies are exactly what the present invention seeks to cure through the novel use of ultrasonic transducers.

Despite the suggestion from the Examiner that, in view of McTeigue, it would have been obvious to substitute Chang's optical trigger for an ultrasonic trigger (Office Action at Page 3), Applicants continue to reiterate the differences between the presently recited invention and the the cited references. For example, it is clear that Chang is completely silent as to a trigger that uses ultrasonic waveforms. *See, e.g.*, Office Action at Page 2. Likewise, McTeigue is completely silent as to ultrasonic triggers. In contrast, the present invention is directed to an ultrasonic trigger that is in communication with a computing device, which, in turn, is operatively connected to an imaging device.

In fact, as discussed in the previous response, McTeigue's apparatus includes sensors that are used to monitor user factors such as force exerted by the user on a substrate, the angle between a part of a user's body and a preselected direction or plane. Col. 5, lines 22-26. While more than one sensor may be used, the sensors in McTeigue are clearly limited to

pressure sensors (Col. 6, lines 30-34), inclinometers (Col. 8, lines 23-28), and angular displacement sensors (Col. 8, lines 56-62). As known to those of ordinary skill in the art and explained in greater detail in McTeigue, these type of sensors operate in an entirely different fashion from the ultrasonic triggers presently recited.

In addition, the output from the sensors in McTeigue are not used to determine dwell time of images taken from a camera or imaging system operatively connected to the sensors or a computing device. Instead, McTeigue explains that output from the sensors is compared to a reference value and the results of the comparison are communicated to a signal generator, which are, in turn, communicated to the user. Col. 9, lines 8-41. It is only within the context of communicating the results of the comparison to the user that ultrasonic transmitters and receivers are suggested. Col. 10, lines 25-32. Thus, completely unlike the present invention, if ultrasonic transmitters and receivers are employed in McTeigue, it is not to activate or time photo acquisition from an imaging system through a computing device; rather, their function is to send comparative results from the system sensors directly to the user. As a result, the Examiner's statement that "McTeigue suggest[s] the use of and equivalence of an ultrasonic trigger" is not supported anywhere in the reference.

Even assuming *arguendo* that one of ordinary skill in the art would have attempted to modify Chang in view of McTeigue despite the non-analogous systems, the result would not have even resembled the present invention. In fact, at best, the result would have been an imaging system with some extra training aids, but the same conventional optical trigger to activate the camera(s). Applicants respectfully submit that, absent the instant claims to use as a template, there is no reason that a person of ordinary skill in the art would have combined the elements in the way the claimed new invention does. As such, the Examiner's position regarding the obviousness of the claimed invention based on Chang and McTeigue is not sustainable.

The Additional Cite to Nesbit Does Not Cure the Deficiencies of Chang and McTeigue

The Examiner appears to cite Nesbit in an attempt to further remedy the deficiencies of Chang and McTeigue. However, this attempt fails. In fact, like McTeigue, Nesbit's "trigger" is not in communication with a computing device that controls image acquisition. Rather, Nesbit's trigger initiates acquisition of the strain gages and/or accelerometers. Col. 6, lines 33-37. Nesbit's system does not include any cameras or other method of obtaining optical images. In fact, the only "images" involved in Nesbit's system are graphical images produced as the result of the collection of the acceleration and deflection measurements. Col.

4, line 65 to Col. 5, line 7. Therefore, there is clearly no operative connection from a trigger to a computing device to an imaging device in Nesbit as presently recited.

In sum, both McTeigue and Nesbit lack any suggestion of a system that operates an imaging device based on output received from any type of trigger. And, Chang completely lacks any suggestion of ultrasonic triggers. Moreover, any similarities between the three references are too tenuous to support a prima facie case of obviousness against the pending claims. Thus, Applicants respectfully request that the § 103 rejection based thereon be reconsidered and withdrawn.

CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments still do not resolve all of the issues regarding patentability of the pending claims, Applicant invites the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Petition for Extension of Time is submitted herewith to extend the time for response one month to and including March 9, 2008. No other fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Bingham McCutchen LLP Deposit Account No. 50-4047, Order No. 20002.0327.

Respectfully submitted,

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